

## **Exhibit 70**

**Calcijex by GCN 93140/93141 from 1/1/91-present.**

**Querypath**

| Claim Reimb Amt   | Drug Brand Name         | Drug NDC    | Drug Manufacturer | Days On File | Days On Set |
|-------------------|-------------------------|-------------|-------------------|--------------|-------------|
| \$610.02          | CALCIJEX I MCG/ML AMPUL | 00074120001 | ABBOTT HOSP       | 78           | 1991        |
| \$231.18          | CALCIJEX I MCG/ML AMPUL | 00074120001 | ABBOTT HOSP       | 22           | 1992        |
| \$255.76          | CALCIJEX I MCG/ML AMPUL | 00074120001 | ABBOTT HOSP       | 108          | 1993        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 1994        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 1995        |
| \$13.69           | CALCIJEX I MCG/ML AMPUL | 00074120001 | ABBOTT HOSP       | 1            | 1996        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 1997        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 1998        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 1999        |
| \$274.23          | CALCIJEX I MCG/ML AMPUL | 00074120001 | ABBOTT HOSP       | 25           | 2000        |
| \$10.45           | CALCIJEX I MCG/ML AMPUL | 00074120001 | ABBOTT HOSP       | 1            | 2001        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 2002        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 2003        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             | ABBOTT HOSP       | 0            | 2004        |
| \$212.90          | CALCIJEX I MCG/ML AMPUL | 63323073101 | American Pharmacu | 37           | 2005        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             |                   | 0            | 2006        |
| \$0.00            | CALCIJEX I MCG/ML AMPUL |             |                   | 0            | 2007        |
| <b>\$1,608.23</b> |                         |             |                   | <b>272</b>   |             |

SUM(CLM\_MASTER\_PHARM\_PD\_NADJ\_V.CLM\_REIMBURSE\_AMT) as "SUM Clm Reimb Amt",  
 SUM(CLM\_DRUG\_PD\_V.CLM\_DRUG\_QTY) as "SUM Drug Qty Disp",  
 CLM\_MASTER\_PHARM\_PD\_NADJ\_V.CLM\_CALENDAR\_YR as "Clm DOS Calendar Year",  
 CLM\_DRUG\_PD\_V.DRUG\_MANUFACT\_NAME as "Drug Manufacturer Name",  
 CLM\_DRUG\_PD\_V.CLM\_NATL\_DRUG\_CD as "Drug NDC"

FROM

CLM\_DRUG\_PD\_V,  
 CLM\_MASTER\_PHARM\_PD\_NADJ\_V

WHERE

CLM\_MASTER\_PHARM\_PD\_NADJ\_V.CLM\_ICN = CLM\_DRUG\_PD\_V.CLM\_ICN (+) AND  
 CLM\_MASTER\_PHARM\_PD\_NADJ\_V.CLM\_DATE\_PAID = CLM\_DRUG\_PD\_V.CLM\_DATE\_PAID

GROUP BY

CLM\_MASTER\_PHARM\_PD\_NADJ\_V.CLM\_CALENDAR\_YR,  
 CLM\_DRUG\_PD\_V.DRUG\_MANUFACT\_NAME,  
 CLM\_DRUG\_PD\_V.CLM\_NATL\_DRUG\_CD

ORDER BY

"Clm DOS Calendar Year",  
 "Drug NDC"

e

(+) AND (CLM\_MASTER\_PHARM\_PD\_NADJ\_V.CLM\_DATE\_PAID BETWEEN '01-Jan-1991' AND '15-

-Apr-2007') AND (CLM\_DRUG\_PD\_V.CLM\_DRUG\_GENERIC\_CD IN('93140', '93141'))

## **Exhibit 71**

Harvey Weintraub HIGHLY CONFIDENTIAL - UNDER PROTECTIVE ORDER August 25, 2005  
Kenilworth, NJ

Page 1

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

x-----x

IN RE: PHARMACEUTICAL INDUSTRY: VIDEOTAPE  
AVERAGE WHOLESALE PRICE : DEPOSITION OF:  
LITIGATION : HARVEY  
: WEINTRAUB  
: :  
: :  
THIS DOCUMENT RELATES TO :  
ALL CLASS ACTIONS :  
: :  
x-----x

Henderson Legal Services  
(202) 220-4158

Harvey Weintraub HIGHLY CONFIDENTIAL - UNDER PROTECTIVE ORDER August 25, 2005  
Kenilworth, NJ

| Page 22  | Page 24   |
|--|---|
| <p>1 Q. Would you please review that?<br/>     2 And for the record, so that it might be<br/>     3 easier for the judge or the jury looking at this,<br/>     4 I'm going to read it out loud, if you just follow.<br/>     5 "Average wholesale price, AWP, is the price<br/>     6 at which the retailer purchases a product from the<br/>     7 wholesaler. This price is based upon a percentage<br/>     8 increase over the wholesaler's cost, the net cost<br/>     9 to the wholesaler plus 16 and two-thirds percent.<br/>     10 An increase over the wholesaler's cost, depending<br/>     11 upon the particular wholesaler's profit margin and<br/>     12 the volume that the retailer does with the<br/>     13 wholesaler. The actual price that the retailer<br/>     14 pays the wholesaler is usually less than 16 and<br/>     15 two-thirds percent due to the competition for<br/>     16 business among wholesalers."</p> <p>17 Did I read that correctly, sir?</p> <p>18 A. Yes. You did.</p> <p>19 Q. Okay. Is that a definition or<br/>     20 explanation of AWP that you're familiar with?</p> <p>21 A. I don't know that it's a definition, it's a<br/>     22 practice for which I'm familiar with.</p> | <p>1 When did you begin to do any work with or<br/>     2 for Warrick Pharmaceuticals?</p> <p>3 A. Sometime in early 1993.</p> <p>4 Q. And 1993, was that when Warrick was<br/>     5 actually created?</p> <p>6 A. I believe it was.</p> <p>7 Q. And as we sit here today, do you<br/>     8 have any responsibilities, contracts or positions<br/>     9 with any Schering Plough subsidiary or Warrick?</p> <p>10 A. Yes. I do.</p> <p>11 Q. Okay. Would you describe what<br/>     12 those responsibilities or contracts are?</p> <p>13 A. At this time I am a consultant for Schering<br/>     14 Corporation.</p> <p>15 Q. And is that pursuant to a written<br/>     16 contract?</p> <p>17 A. Yes. It is.</p> <p>18 Q. And if you could just tell me the<br/>     19 term of the contract, when it began and if it is<br/>     20 for a term or a period?</p> <p>21 A. It's for calendar 19 -- calendar 2005.</p> <p>22 Q. And does that consultancy contract</p>  |
| <p style="text-align: center;">Page 23</p> <p>1 Q. And is this a working definition<br/>     2 that you used at Schering-Plough?</p> <p>3 A. For the most part. The first sentence that<br/>     4 says AWP is the price at which a retailer<br/>     5 purchases a product is a fact nullified by the<br/>     6 remainder of it. It's not the price that the<br/>     7 retailer purchases the product. It's really a<br/>     8 sticker price.</p> <p>9 Q. And is it one of the utilities of<br/>     10 AWP is for reimbursement by third party payers?</p> <p>11 MR. KAUFMAN: Object to the form of<br/>     12 the question.</p> <p>13 You may answer.</p> <p>14 A. In some cases, yes.</p> <p>15 Q. And that would also include<br/>     16 Medicare and Medicaid pricing at different times<br/>     17 throughout the past?</p> <p>18 MR. KAUFMAN: Objection. You may<br/>     19 answer.</p> <p>20 A. For certain products I believe so.</p> <p>21 Q. Now, after, well, let me just<br/>     22 strike that.</p>   | <p style="text-align: center;">Page 25</p> <p>1 with Schering Corporation entail any work relative<br/>     2 to Warrick Pharmaceuticals?</p> <p>3 A. Not at this point, no.</p> <p>4 Q. If you can, just tell me generally<br/>     5 what else does your consultancy with Schering<br/>     6 Corporation involve at this time?</p> <p>7 A. Generally, working for the Law Department<br/>     8 on a retainer basis providing institutional<br/>     9 memory, I guess would be the best way to phrase<br/>     10 it.</p> <p>11 Q. And would that position be true for<br/>     12 the entire year so far, 2005?</p> <p>13 A. Yes. Yes. It would.</p> <p>14 Q. Prior to -- well, for 2004, were<br/>     15 you under contract or have any employment with<br/>     16 Schering-Plough?</p> <p>17 A. I was under contract as a consultant to<br/>     18 Warrick Pharmaceuticals.</p> <p>19 Q. And what was the term for that<br/>     20 consultancy contract with Warrick?</p> <p>21 A. It was on a one year basis renewable.</p> <p>22 Q. And when did the first consultancy</p> |

7 (Pages 22 to 25)

Henderson Legal Services  
(202) 220-4158

## **Exhibit 72**

Jerome A. Sherman

HIGHLY CONFIDENTIAL  
Boston, MA

July 7, 2005

Page 1

1 HIGHLY CONFIDENTIAL TRANSCRIPT

2 UNITED STATES DISTRICT COURT

3 DISTRICT OF MASSACHUSETTS

4

5

6 IN RE: ) MDL NO. 1456

7 PHARMACEUTICAL INDUSTRY ) Civil Action No. 01-CV-12257-PBS

8 AVERAGE WHOLESALE PRICE )

9 LITIGATION )

10 )

11 VIDEOTAPED DEPOSITION OF JEROME A.

12 SHERMAN, called as a witness on behalf of

13 the Plaintiffs, pursuant to the applicable

14 provisions of the Federal Rules of Civil

15 Procedure, before Jeanette N. Maracas,

16 Registered Professional Reporter and Notary

17 Public in and for the Commonwealth of

18 Massachusetts, at the Offices of Ropes &

19 Gray, LLP, One International Place, Boston,

20 Massachusetts, on Thursday, July 7, 2005,

21 commencing at 9:12 a.m.

22

Jerome A. Sherman

HIGHLY CONFIDENTIAL  
Boston, MA

July 7, 2005

|    | Page 18   |    | Page 20  |
|----|---|----|--|
| 1  | A. Yes, he's a Schering-Plough employee.        | 1  | A. He was president of Warrick.                |
| 2  | Q. Do you know what his position or title is    | 2  | Q. Do you know when he ended being president   |
| 3  | with Schering-Plough?                           | 3  | of Warrick?                                    |
| 4  | A. No, I don't.                                 | 4  | A. Approximately a year ago.                   |
| 5  | Q. Does Warrick Pharmaceuticals, Inc. currently | 5  | Q. To your knowledge, is he providing any      |
| 6  | have any employees?                             | 6  | services or employment to Schering-Plough      |
| 7  | A. I don't know. I don't know how that works.   | 7  | at this time?                                  |
| 8  | Q. Now, where are you officed?                  | 8  | A. Not to my knowledge.                        |
| 9  | A. In Union, New Jersey.                        | 9  | Q. When is the last time you actually talked   |
| 10 | Q. Where is Mr. Gough officed?                  | 10 | with Raymond Kapur?                            |
| 11 | A. Arizona.                                     | 11 | A. Probably just before he left.               |
| 12 | Q. And what kind of -- is it a Schering-Plough  | 12 | Q. Did you ever talk with Mr. Kapur concerning |
| 13 | facility where he's officed?                    | 13 | this litigation?                               |
| 14 | A. I believe he works out of his home.          | 14 | A. No, I did not.                              |
| 15 | Q. And Mr. Graf, where is he officed?           | 15 | Q. When was the last time you talked with      |
| 16 | A. In St. Louis, Missouri.                      | 16 | Richard Zahn?                                  |
| 17 | Q. Does he work out of a Schering-Plough        | 17 | A. Sometime approximately 12 years ago.        |
| 18 | facility or is he out of his house as well?     | 18 | Q. That would be either on the phone or in     |
| 19 | A. Out of his home.                             | 19 | person, same answer?                           |
| 20 | Q. Who is Mr. Harvey Weintraub?                 | 20 | A. Correct.                                    |
| 21 | A. Harvey Weintraub is a consultant for         | 21 | Q. Mr. Sherman, have you ever been in any      |
| 22 | Warrick, or had been.                           | 22 | Warrick offices in Niles, Illinois?            |
|    | Page 19   |    | Page 21  |
| 1  | Q. Is Mr. Weintraub no longer a consultant      | 1  | A. No.   |
| 2  | for Warrick?                                    | 2  | Q. Have you ever been in any Warrick           |
| 3  | A. Correct.                                     | 3  | Pharmaceuticals offices in Reno, Nevada?       |
| 4  | Q. And when did he end or stop consultancy      | 4  | A. No.   |
| 5  | with Warrick?                                   | 5  | Q. In connection with your testimony today,    |
| 6  | A. January of '05.                              | 6  | we will be discussing some terms that I        |
| 7  | Q. Do you know whether or not Mr. Weintraub     | 7  | just want to make sure that we're on the       |
| 8  | is providing any consulting services to         | 8  | same page with as we go forward, and one       |
| 9  | Schering-Plough at this time?                   | 9  | of those terms, of course, is AWP or           |
| 10 | A. I believe he does.                           | 10 | average wholesale price. Do you understand     |
| 11 | Q. Who is Richard Zahn?                         | 11 | that term?                                     |
| 12 | A. He was president. I believe his title was    | 12 | A. Yes.  |
| 13 | president of Schering Labs.                     | 13 | Q. What is your understanding of AWP?          |
| 14 | Q. Is Mr. Zahn still with the Schering-Plough   | 14 | A. AWP to me means a benchmark or just a       |
| 15 | Corporation?                                    | 15 | benchmark price.                               |
| 16 | A. No.  | 16 | Q. What is your understanding, a benchmark,    |
| 17 | Q. Do you know when he left?                    | 17 | how is that used in your industry?             |
| 18 | A. I don't remember the exact timing of it.     | 18 | MR. CHRISTOFFERSON: Objection. You             |
| 19 | Q. And who is Raymond, or I believe it's Kapur. | 19 | may answer.                                    |
| 20 | Is that how you pronounce the last name?        | 20 | A. My understanding is it's used for           |
| 21 | A. Correct.                                     | 21 | reimbursement.                                 |
| 22 | Q. Who is Raymond Kapur?                        | 22 | Q. When you say reimbursement, does that mean  |

6 (Pages 18 to 21)

Jerome A. Sherman

HIGHLY CONFIDENTIAL  
Boston, MA

July 7, 2005

| Page 22   | Page 24  |
|---|--|
| 1 reimbursement from third-party payers such<br>2 as insurance companies or public programs<br>3 such as Medicare, Medicaid?<br>4 A. Those payers, as well as -- those payers<br>5 use that, I believe, as well as MAC and some<br>6 other benchmark's baseline.<br>7 Q. Is it your understanding that those<br>8 benchmarks change over time from time to<br>9 time? Is that a fair statement?<br>10 MR. CHRISTOFFERSON: Objection. You<br>11 may answer.<br>12 A. I'm not aware of that.<br>13 Q. Now, in connection with your status as a<br>14 registered pharmacist, are you familiar<br>15 with any industry publications that are<br>16 used for pricing services?<br>17 A. Yes.<br>18 Q. Would you identify those that you're familiar<br>19 with.<br>20 A. Redbook, Price Alert. That's all that I'm<br>21 aware of.<br>22 Q. Now, from time to time over the past -- well,                        | 1 may answer.<br>2 A. I believe we do.<br>3 Q. I'm going to be marking a number of documents<br>4 or having the court reporter mark the<br>5 documents and just ask questions. On each<br>6 document, what I'll do is give you an<br>7 opportunity to look at the document and then<br>8 I'll just ask my questions.<br>9 A. Sure.<br>10 Q. Is that fair enough? And if at any time --<br>11 of course, you've had your deposition<br>12 taken before. If you don't understand<br>13 my questions, please let me know and I'll<br>14 try to clear them up, if that's at all<br>15 possible.<br>16 A. Sure.<br>17 MR. CHRISTOFFERSON: Just for the<br>18 record, I want to make the point that we're<br>19 designating this transcript as highly<br>20 confidential pursuant to the protective<br>21 order in this litigation.<br>22 Q. Before I get on the documents, let me ask                                   |
| Page 23   | Page 25  |
| 1 I believe you've been a registered pharmacist<br>2 since 1962. Do you use or refer to any of<br>3 those, either Redbook or Price Alert?<br>4 MR. CHRISTOFFERSON: Objection. I<br>5 think he said he's not been since 1962, but<br>6 you may answer the question.<br>7 A. Yeah, can I clear that up?<br>8 Q. Sure.<br>9 A. I'm not a pharmacist by trade right now. I<br>10 have my license, but I don't practice<br>11 pharmacy.<br>12 Q. Say for the Redbook publication, is that a<br>13 publication that you or the people in your<br>14 office keep available for reference in your<br>15 office in Union?<br>16 A. I don't.<br>17 Q. Are there Redbooks available to you if you<br>18 should choose to look at one?<br>19 A. If I choose to look at one, I can find one.<br>20 Q. Does Warrick Pharmaceuticals subscribe to<br>21 the publication, Redbook?<br>22 MR. CHRISTOFFERSON: Objection. You | 1 a few general questions. As a national<br>2 director for Warrick Pharmaceuticals, who<br>3 are the customers that you call on? Who are<br>4 your accounts?<br>5 A. You want them all?<br>6 Q. If you can give them in categories, broad<br>7 categories, and then we can break them down,<br>8 if necessary. But, generally, what are<br>9 the categories or class of trade that you<br>10 call on for Warrick Pharmaceuticals?<br>11 A. Wholesalers, chains and generic distributors.<br>12 Q. Now, on the category of chains, would that<br>13 include retail pharmacies?<br>14 A. Chains, the chains' headquarters.<br>15 Q. Go ahead and tell me who are the chains.<br>16 Those are chains pharmacies?<br>17 A. Yes.<br>18 Q. And who are the chains pharmacies that you<br>19 call on?<br>20 A. CVS, Rite-Aid, Brooks-Eckerd, to name three<br>21 big ones.<br>22 Q. Those are your largest chain pharmacy |

7 (Pages 22 to 25)

Jerome A. Sherman

HIGHLY CONFIDENTIAL  
Boston, MA

July 7, 2005

|   | Page 122 | Page 124  |
|---|----------|---|
| 1      is that correct?                               |          | 1      A. Yes.  |
| 2            MR. CHRISTOFFERSON: Objection. You       |          | 2      Q. And also, if the direct price is subject to |
| 3      may answer.                                    |          | 3      any rebates that would result in a decreased   |
| 4      A. I haven't seen the AWP on those documents   |          | 4      price per unit, that would also result in a    |
| 5      for very long time.                            |          | 5      spread; is that correct?                       |
| 6      Q. When was the last time that you saw a       |          | 6            MR. CHRISTOFFERSON: Objection. You       |
| 7      document notifying a price change where        |          | 7      may answer.                                    |
| 8      AWP was not listed?                            |          | 8      A. Yes.  |
| 9      Q. Repeat that, please.                        |          | 9      Q. Now, having looked at this last exhibit,    |
| 10     Q. You said that you hadn't seen AWP on a      |          | 10     which is in May of -- apparently, effective    |
| 11     price change document in a very long time.     |          | 11     date of the price change in May of 2000,       |
| 12     When did you start sending out price change    |          | 12     does that help or refresh your memory in       |
| 13     notices without AWP on it?                     |          | 13     any way as to when AWP was discontinued        |
| 14     A. I don't remember when that occurred.        |          | 14     as an item on a price change notice?           |
| 15            (Exhibit Sherman 030 marked for         |          | 15     A. No, it doesn't. It was, obviously,          |
| 16      identification.)                              |          | 16      subsequent to this time frame.                |
| 17     Q. Mr. Sherman, you've been handed a document  |          | 17     Q. Mr. Sherman, are you familiar with a term,  |
| 18     that has been marked Exhibit Sherman 030?      |          | 18     "nominal pricing," for purposes of either      |
| 19     A. Yes.  |          | 19     contracts or for selling product on behalf     |
| 20     Q. And this is a price change notification     |          | 20     of Warrick Pharmaceuticals?                    |
| 21     from you to one of your accounts; is that      |          | 21     A. I've heard the term.                        |
| 22     correct?                                       |          | 22     Q. What is your understanding of nominal       |
|   | Page 123 | Page 125  |
| 1      A. Yes.  |          | 1      pricing?                                       |
| 2      Q. And the effective date on this price change |          | 2      A. It's a very low price.                      |
| 3      is, appears to be May 8 of 2000. Is that       |          | 3      Q. Have you ever used nominal pricing in       |
| 4      how you read this document?                    |          | 4      connection with any of your transactions       |
| 5      A. Yes.  |          | 5      with your accounts?                            |
| 6      Q. So as recent as, or at least the year 2000, |          | 6      A. Not that I can ever recall, no.             |
| 7      AWP was still being reported or shown          |          | 7      Q. Is nominal pricing used as a, or used in    |
| 8      on price change notifications; is that         |          | 8      contracting or offering prices by Warrick      |
| 9      correct?                                       |          | 9      Pharmaceuticals today?                         |
| 10     MR. CHRISTOFFERSON: Objection. You             |          | 10     MR. CHRISTOFFERSON: Objection. You             |
| 11     may answer.                                    |          | 11     may answer.                                    |
| 12     A. Yes.  |          | 12     A. Not that I'm aware of, no.                  |
| 13     Q. With regard to the spread, the difference   |          | 13     MR. McNEELY: If we can go off the              |
| 14     between the AWP and the direct price as        |          | 14     record.  |
| 15     shown on this, is it not correct that as       |          | 15     MR. CHRISTOFFERSON: Yes.                       |
| 16     the AWP -- strike that.                        |          | 16     VIDEOGRAPHER: The time is 1:29. We             |
| 17     Would you agree that where the AWP             |          | 17     are off the record.                            |
| 18     remains the same and the direct price is       |          | 18     (Discussion off the record)                    |
| 19     decreased, that there's an increase in the     |          | 19     VIDEOGRAPHER: The time is 1:32.                |
| 20     spread?  |          | 20     We're back on the record.                      |
| 21     MR. CHRISTOFFERSON: Objection. You             |          | 21     BY MR. McNEELY:                                |
| 22     may answer.                                    |          | 22     Q. Mr. Sherman, with regard to the Warrick     |

32 (Pages 122 to 125)

## **Exhibit 73**

SCHERING LABORATORIES  
GALLOPING HILL ROAD  
KENTWORTH, N.J. 07033

WESTERN UNION MAILGRAM

UNITED STATES  
POSTAL SERVICE

097837000523 12/03/01  
BM16634

OKA1 - OKAA

First Databank  
Attn Kay Morgan  
1211 Bayhill Dr Ste 350  
San Bruno CA 94066-3056

47511

DEAR CUSTOMER,

EFFECTIVE MONDAY, DECEMBER 03, 2001 AT 05:00 PM EDST, PRICES FOR THE FOLLOWING SCHERRING PRODUCTS WERE INCREASED. ALL ORDERS RECEIVED AFTER 05:00 PM EDST, MONDAY, DECEMBER 03, 2001 WILL BE BILLED AT THE NEW PRICES. A PRICE PROTECTED ORDER AND A CURRENT PRICE LIST WILL BE SENT TO YOUR BUYER SHORTLY.

| SCHERRING PRODUCTS             | NDC<br>0085 | NDP       | AWP       |
|--------------------------------|-------------|-----------|-----------|
| CLARITIN D 12HR TABS 100'S     | 0635-01     | \$ 125.19 | \$ 150.23 |
| CLARITIN D 12HR TABS 100'S UD  | 0635-04     | 125.19    | 150.23    |
| CLARITIN D 12HR TABS 30'S      | 0635-05     | 37.53     | 45.04     |
| CLARITIN-D 24 10MG/240MG 100'S | 1233-01     | 250.36    | 300.43    |
| CLARITIN-D 24 10MG/240MG 100'S | 1233-02     | 250.36    | 300.43    |
| CLARITIN REDITABS 10MG 30'S    | 1128-02     | 76.88     | 92.26     |
| CLARITIN SYRUP 10MG/10ML       | 1223-01     | 124.29    | 149.15    |
| CLARITIN TABS 10MG 100'S       | 0458-03     | 222.26    | 266.71    |
| CLARITIN TABS 10MG 100'S UD    | 0458-04     | 222.26    | 266.71    |
| CLARITIN TABS 10MG 30'S        | 0458-05     | 66.66     | 79.99     |
| CLARITIN TABS 10MG 500'S       | 0458-06     | 1,111.19  | 1,333.43  |
| NASONEX NASAL SPRAY 50MCG      | 1197-01     | 49.87     | 59.84     |

| KEY PRODUCTS                    | NDC<br>0085 | NDP      | AWP      |
|---------------------------------|-------------|----------|----------|
| GUANIDINE HCL TABLETS 125 MG    | 0492-01     | \$ 21.10 | \$ 25.32 |
| HYPERSTAT IV INJECTION AMP 20ML | 0201-05     | 107.85   | 129.42   |
| IMDUR TABLETS 120 MG 100'S      | 1153-03     | 199.79   | 239.75   |
| IMDUR TABLETS 120 MG 100'S UD   | 1153-04     | 219.76   | 263.71   |
| IMDUR TABLETS 30MG 100'S UD     | 3306-01     | 149.15   | 178.98   |
| IMDUR TABLETS 30MG 100'S        | 3306-03     | 135.60   | 162.72   |
| IMDUR TABLETS 60 MG 100'S UD    | 4110-01     | 157.00   | 188.40   |
| IMDUR TABLETS 60 MG 100'S       | 4110-03     | 142.72   | 171.26   |
| INSPIREASE INHALER METERED      | 4602-02     | 20.46    | 24.55    |
| INSPIREASE RESERVOIR BAGS 3     | 4602-03     | 11.07    | 13.28    |
| INSPIREASE REPLACEMENT BAGS     | 4602-70     | 354.49   | 425.39   |
| INSPIREASE MOUTHPIECE 144       | 4604-01     | 731.08   | 877.30   |

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FDB-AWP 03929

To reply by Mailgram Message, see reverse side for Western Union's toll-free number.



| KEY PRODUCTS                     | NDC<br>0085 | NDP       | AWP      |
|----------------------------------|-------------|-----------|----------|
| INSPIREASE REPLACEMENT MOUTHPIE  | 4604-02*    | \$ 14.81* | \$ 17.77 |
| K-DUR 10 TABLETS 10MG 100'S      | 0263-01*    | 26.75*    | 32.10    |
| K-DUR 10 TABLETS 10MG 100'S UD   | 0263-81*    | 27.71*    | 33.25    |
| K-DUR 20 TABLETS 20 MEQK 100'S   | 0787-01*    | 48.72*    | 58.46    |
| K-DUR 20 TABLETS 20 MEQK 500'S   | 0787-06*    | 241.70*   | 290.04   |
| K-DUR 20 TABLETS 20 MEQK 1000    | 0787-10*    | 475.24*   | 570.29   |
| K-DUR 20 TABS 20 MEQK 100'S UD   | 0787-81*    | 52.81*    | 63.37    |
| LOTRISONE LOTION                 | 0809-01*    | 37.61*    | 45.13    |
| MIRADON TABLETS 50MG 100'S       | 0795-05*    | 45.91*    | 55.09    |
| NAQUA TABLETS 4MG 100'S          | 0547-03*    | 70.89*    | 85.07    |
| NITRO-DUR T.I.S. 0.8 MG/HR 30'S  | 0819-30*    | 57.17*    | 68.60    |
| NITRO-DUR T.I.S. 0.8 MG/HR INST  | 0819-35*    | 57.17*    | 68.60    |
| NITRO-DUR T.I.S. 0.1 MG/HR 30'S  | 3305-30*    | 46.34*    | 55.61    |
| NITRO-DUR T.I.S. 0.1 MG/HR INST  | 3305-35*    | 46.34*    | 55.61    |
| NITRO-DUR T.I.S. 0.2 MG/HR 30'S  | 3310-30*    | 47.04*    | 56.45    |
| NITRO-DUR T.I.S. 0.2 MG/HR INST  | 3310-35*    | 47.04*    | 56.45    |
| NITRO-DUR T.I.S. 0.3 MG/HR 30'S  | 3315-30*    | 52.69*    | 63.23    |
| NITRO-DUR T.I.S. 0.3 MG/HR INST  | 3315-35*    | 52.69*    | 63.23    |
| NITRO-DUR T.I.S. 0.4 MG/HR 30'S  | 3320-30*    | 52.69*    | 63.23    |
| NITRO-DUR T.I.S. 0.4 MG/HR INST  | 3320-35*    | 52.69*    | 63.23    |
| NITRO-DUR T.I.S. 0.6 MG/HR 30'S  | 3330-30*    | 57.17*    | 68.60    |
| NITRO-DUR T.I.S. 0.6 MG/HR INST  | 3330-35*    | 57.17*    | 68.60    |
| NORMODYNE INJ 40 ML MULTI-DOSE   | 0362-06*    | 73.21*    | 87.85    |
| NORMODYNE INJ 20 ML MULTI-DOSE   | 0362-07*    | 37.79*    | 45.35    |
| NORMODYNE SYRINGES 20 MG 4 ML    | 0362-08*    | 16.31*    | 19.57    |
| NORMODYNE INJ SYRINGE 40 MG      | 0362-09*    | 24.50*    | 29.40    |
| NORMODYNE TABLETS 100 MG 100'S   | 0244-04*    | 52.05*    | 62.46    |
| NORMODYNE TABLETS 100 MG 500'S   | 0244-05*    | 246.95*   | 296.34   |
| NORMODYNE TABLETS 100 MG 1000'S  | 0244-07*    | 455.40*   | 546.48   |
| NORMODYNE TABLETS 1000MG 1005 UD | 0244-08*    | 55.27*    | 66.32    |
| NORMODYNE TABLETS 200 MG 100'S   | 0752-04*    | 73.83*    | 88.60    |
| NORMODYNE TABLETS 200MG 500'S    | 0752-05*    | 350.77*   | 420.92   |
| NORMODYNE TABLETS 200MG 1005 UD  | 0752-08*    | 77.05*    | 92.46    |
| NORMODYNE TABLETS 300MG 100'S    | 0438-03*    | 98.22*    | 117.86   |
| NORMODYNE TABLETS 300MG 500'S    | 0438-05*    | 466.42*   | 559.70   |
| NORMODYNE TABLETS 300MG 1005 UD  | 0438-06*    | 101.47*   | 121.76   |
| OPTIMINE TABLETS 1MG 100'S       | 0282-03*    | 105.00*   | 126.00   |
| PROVENTIL HFA INH AEROSOL 6.7G   | 1132-01*    | 28.23*    | 33.88    |
| PROVENTIL INHALER 17 G           | 0614-02*    | 29.31*    | 35.17    |
| VANCERIL INHALER 16.8G           | 0736-04*    | 38.77*    | 46.52    |

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| ONCOLOGY PRODUCTS               | NDC      | NDP        | AWP       |
|---------------------------------|----------|------------|-----------|
| EULEXIN CAPSULES 125 MG 100'S   | 0085     | ---        | ---       |
| EULEXIN CAPSULES 125 MG 500'S   | 0525-03- | \$ 211.53* | \$ 253.84 |
| EULEXIN CAPSULES 125 MG 180'S   | 0525-05- | 997.84     | 1,197.41  |
| TEMODAR CAPSULES 20 MG 5'S      | 0525-06- | 359.16     | 430.99    |
| TEMODAR CAPSULES 20 MG 20'S     | 1244-01- | 111.49*    | 133.79    |
| TEMODAR CAPSULES 5 MG 5'S       | 1244-02- | 445.96*    | 535.15    |
| TEMODAR CAPSULES 5 MG 20'S      | 1248-01- | 27.87*     | 33.44     |
| TEMODAR CAPSULES 250 MG 5'S     | 1248-02- | 113.49*    | 133.79    |
| TEMODAR CAPSULES 250 MG 20'S    | 1252-01- | 1,393.63*  | 1,672.36  |
| TEMODAR CAPSULES 100 MG 5'S     | 1252-02- | 5,574.52*  | 6,689.42  |
| TEMODAR CAPSULES 100 MG 20'S    | 1259-01- | 557.45*    | 668.94    |
| TEMODAR CAPSULES 100 MG 20'S    | 1259-02- | 2,229.81*  | 2,675.77  |
| KENILWORTH PRODUCTS             | NDC      | NDP        | AWP       |
| DIPROSONE CREAM 0.05% 15 GM     | 0085     | ---        | ---       |
| DIPROSONE CREAM 0.05% 45 GM     | 0853-02- | \$ 24.49*  | \$ 29.39* |
| DIPROSONE LOTION 0.05% 20ML     | 0853-03- | 44.90      | 53.88     |
| DIPROSONE LOTION 0.05% 60 ML    | 0028-04- | 30.12*     | 36.14     |
| ESTINYL TABLETS 0.02 MG 100'S   | 0020-06- | 59.29*     | 71.15     |
| ESTINYL TABLETS 0.02MG 250'S    | 0298-03- | 35.15*     | 42.18     |
| ESTINYL TABLETS 0.05 MG 100'S   | 0298-06- | 82.63*     | 99.16     |
| ESTINYL TABLETS 0.05 MG 250'S   | 0070-03- | 59.20*     | 71.04     |
| FULVICIN P/G TABLETS 125 MG     | 0070-06- | 130.19*    | 165.83    |
| FULVICIN P/G TABLETS 165 MG     | 0220-03- | 50.64*     | 60.77     |
| FULVICIN P/G TABLETS 250 MG     | 0654-03- | 73.12*     | 87.74     |
| FULVICIN P/G TABLETS 330 MG     | 0507-03- | 99.36*     | 119.23    |
| FULVICIN U/F TABS 250 MG 60'S   | 0352-03- | 126.18*    | 151.42    |
| FULVICIN U/F TABS 250 MG 250'S  | 0948-03- | 51.84*     | 62.21     |
| FULVICIN-U/F TABS 500 MG 60'S   | 0948-06- | 204.54*    | 245.45    |
| FULVICIN-U/F TABS 500 MG 250'S  | 0496-03- | 82.80*     | 99.36     |
| GARAMYCIN CREAM 0.1% 15 GM      | 0496-06- | 326.58*    | 391.90    |
| GARAMYCIN INJ VIAL 80 MG 25/2ML | 0008-05- | 20.11*     | 24.13     |
| GARAMYCIN OPHTHALMIC OINT 3.5GM | 0069-04- | 126.14*    | 151.37    |
| GARAMYCIN OPHTHALMIC SOLUT 5 ML | 0151-05- | 18.20*     | 21.84     |
| LOTRIMIN CREAM 1% 15GM          | 0899-05- | 18.20*     | 21.84     |
| LOTRIMIN CREAM 1% 45GM          | 0613-02- | 13.51*     | 16.21     |
| LOTRIMIN CREAM 1% 30GM          | 0613-04- | 27.81*     | 33.37     |
| LOTRIMIN LOTION 1% 30 ML        | 0613-05- | 22.94*     | 27.53     |
| LOTRIMIN SOLUTION 1% 10 ML      | 0707-02- | 25.88*     | 31.06     |
| LOTRIMIN SOLUTION 1% 30 ML      | 0182-02- | 11.91*     | 14.29     |
| LOTRIMIN SOLUTION 1% 30 ML      | 0182-04- | 24.75*     | 29.70     |

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PAGE 4 097837000523

| KENILWORTH PRODUCTS              | NDC<br>0085 | NDP       | AWP      |
|----------------------------------|-------------|-----------|----------|
| POLARAMINE TABLETS 2MG 100'S     | 0820-03-    | \$ 45.85- | \$ 55.02 |
| PROVENTIL REPEATABS 4 MG 100S    | 0431-02-    | 73.16-    | 87.79    |
| PROVENTIL REPEATABS 4 MG 500S    | 0431-03-    | 354.92-   | 425.90   |
| PROVENTIL REPEATABS 4 MG 100S UD | 0431-04-    | 91.64-    | 109.97   |
| PROVENTIL SOLUTION 25X3ML        | 0209-01-    | 42.73-    | 51.28    |
| PROVENTIL SOLUTION 20 ML         | 0208-02-    | 18.75-    | 22.50    |
| SOLGANAL SUSPENSION 50MG/ML      | 0460-03-    | 139.75-   | 167.70   |
| THILOFON INJECTION 5MG/ML        | 0012-04-    | 626.00-   | 751.20   |
| TRINALIN REPEATABS TABLETS 100'S | 0703-04-    | 109.90-   | 131.88   |

SINCERELY,

FRANK J. DILASCIA, RPH  
V.P., TRADE SALES & PHARM DEVELOPMENT

MGMCOMP 20:12 EST

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## **Exhibit 74**

*Schering* LABORATORIES

TELEFAX TRANSMITTAL COVER SHEET

|   |                         |
|---|-------------------------|
| TO:                                     | <i>Inra</i>             |
| COMPANY NAME:                           | <i>First Data Board</i> |
| FROM:                                   | <i>Peter Kamins</i>     |
| TELEPHONE #                             | <i>(908) 298-4952</i>   |
| TELEFAX #:                              | <i>(908) 298-2436</i>   |
| TOTAL # OF PAGES (including this page): | <i>3</i>                |

Schering Laboratories  
Trade Sales-K-5-2/B-6  
2000 Galloping Hill Road  
Kenilworth, NJ 07033

*Per your request*

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FAXMASTER.DOC

FDB-AWP 03988



090250001247 11/07/00  
HH16634

PAB1 - PABA

Institutional

Peter Kanning  
1003 Meridian Way  
Yardley PA 19067-5834

DEAR CUSTOMER,

EFFECTIVE TUESDAY, NOVEMBER 07, 2000 AT 05:00 PM EST, PRICES FOR THE FOLLOWING SCHERING PRODUCTS WERE INCREASED. ALL ORDERS RECEIVED AFTER 05:00 PM EST, TUESDAY, NOVEMBER 07, 2000 WILL BE BILLED AT THE NEW PRICES.

A PRICE PROTECTED ORDER AND A CURRENT PRICE LIST WILL BE SENT TO YOUR BUYER SHORTLY.

| SCHERING PRODUCTS            | NDC 0085 | NDP       | AWP       |
|------------------------------|----------|-----------|-----------|
| CLARITIN D TABLETS 5MG/120MG | 0635-01  | \$ 114.58 | \$ 137.50 |
| CLARITIN D TABLETS 5MG/120MG | 0635-04  | 114.58    | 137.50    |
| CLARITIN D TABLETS 5MG/120MG | 0635-05  | 34.36     | 41.23     |
| CLARITIN-D 24 10MG/240MG     | 1233-01  | 229.14    | 274.97    |
| CLARITIN-D 24 10MG/240MG     | 1233-02  | 229.14    | 274.97    |
| CLARITIN REDI-TABS 30'S      | 1228-02  | 70.34     | 84.41     |
| CLARITIN SYRUP 10MG/10ML     | 1223-01  | 113.71    | 136.45    |
| CLARITIN TABLETS 10MG        | 0458-03  | 203.34    | 244.01    |
| CLARITIN TABLETS 10MG        | 0458-04  | 203.34    | 244.01    |
| CLARITIN TABLETS 10MG        | 0458-05  | 60.99     | 73.19     |
| CLARITIN TABLETS 10MG        | 0458-06  | 1016.61   | 1219.93   |

| ONCOLOGY PRODUCTS              | NDC 0085 | NDP       | AWP       |
|--------------------------------|----------|-----------|-----------|
| INTRO A FOR INJ MULTIDOSE PEN  | 1235-01  | \$ 333.25 | \$ 399.90 |
| INTRO A FOR INJ MULTIDOSE PEN  | 1242-01  | 199.94    | 239.93    |
| INTRO A FOR INJ MULTIDOSE PEN  | 1254-01  | 666.51    | 799.81    |
| INTRON A INJ 18MIU HSA FREE    | 1379-02  | 666.51    | 799.81    |
| INTRON A INJ 18MIU HSA FREE    | 1168-01  | 199.94    | 239.93    |
| INTRON A INJ 25MIU HSA FREE    | 1133-01  | 277.72    | 333.26    |
| INTRON A INJ 3MIU HSA FREE     | 1184-02  | 199.94    | 239.93    |
| INTRON A INJ 5MIU HSA FREE     | 1191-02  | 333.25    | 399.90    |
| INTRON A INJECTABLE 10MILLN IU | 0571-02  | 111.07    | 133.28    |
| INTRON A INJECTABLE 18MILLN IU | 1110-01  | 199.94    | 239.93    |
| INTRON A INJECTABLE 25MILLN IU | 0285-02  | 277.72    | 333.26    |

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SCHERING LABORATORIES  
GALLOPING HILL ROAD  
KENILWORTH, N.J. 07033

WESTERN UNION MAILGRAM

UNITED STATES  
POSTAL SERVICE

090950001367 12/13/00  
EM16634 SOFI - SOFA

► Attn Kathy Gutesell  
Medi-Span, Inc  
First Databank  
1111 Bayhill Dr Ste 350 -  
San Bruno CA 94066-3056

DEAR CUSTOMER,

EFFECTIVE WEDNESDAY, DECEMBER 13, 2000 AT 5:00 PM EDST, PRICES FOR THE FOLLOWING SCHERING PRODUCTS WERE INCREASED. ALL ORDERS RECEIVED AFTER 5:00 PM EDST, WEDNESDAY, DECEMBER 13, 2000 WILL BE BILLED AT THE NEW PRICES. A PRICE PROTECTED ORDER AND A CURRENT PRICE LIST WILL BE SENT TO YOUR BUYER SHORTLY.

| ACS PRODUCTS                    | NDC     | NDP      | AWP      |
|---------------------------------|---------|----------|----------|
| INTEGRILIN 75MG/10ML VIAL       | 0065-01 | \$148.82 | \$176.58 |
| INTEGRILIN 20MG/10ML BOLUS VIAL | 1177-01 | 47.63    | 57.16    |
| INTEGRILIN 20MG/10ML VIAL       | 1177-02 | 396.79   | 476.15   |

SINCERELY,

FRANK J. DILASCIA, RPH  
V.P., TRADE SALES & PHARM DEVELOPMENT

MGMCOMP 20:29 EST

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FDB-AWP 03990

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## **Exhibit 75**



7500 North Natchez Avenue, Niles, Illinois 60714-3804 • Telephone 1 800 547-3869

December 29, 1985

Mr. Mukesh Mehta  
(Redbook)  
Medical Economics Company  
5 Paragon Drive  
Montvale NJ 07645-1742

Dear Mr. Mehta:

Please list the following newly introduced Warrick Pharmaceuticals product in your pricing guide or file, effective immediately. This product is a generic to Proventil® Inhaler and is "A" rated.

| PRODUCT                                  | PACKAGE SIZE | NDC#         | AWP     |
|--|--------------|--------------|---------|
| Albuterol, USP Inhalation Aerosol        | 17 g         | 59930-1560-1 | \$21.41 |
| Albuterol, USP Inhalation Aerosol Refill | 17 g         | 59930-1560-2 | \$19.79 |

Thank you for your prompt attention to this matter.

If you have any questions regarding Warrick Pharmaceuticals or any of our products, please do not hesitate to contact me at 908-629-3616.

Sincerely,

A handwritten signature in cursive ink that reads "Harvey J. Weintraub". Below the signature, the name "Harvey J. Weintraub" is printed in a smaller, sans-serif font.

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WPX0007697

WAR0007634  
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## **Exhibit 76**



7500 North Natchez Avenue, Niles, Illinois 60714-3804 • Telephone 1 800 547-3869

**CONFIDENTIAL**

February 23, 1995

Ms. Beth Rader  
Price Alert  
First Databank  
1111 Bayhill Drive  
Suite 350  
San Bruno CA 94068

Dear Ms. Rader:

Effective Friday, February 24, 1995, at 5:00 p.m., the price of Warrick Albuterol Solution 0.5% 20 mL will increase as follows:

|                               | NDC           | AWP     |
|-------------------------------|---------------|---------|
| Albuterol Solution 0.5% 20 mL | 59930-1515-04 | \$13.95 |

Sincerely,

*Harvey J. Weintraub*  
Harvey J. Weintraub

WP000D1559A

WAR0024086  
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**Exhibit 77**

SCHERING LABORATORIES

GALLOPING HILL ROAD KENILWORTH, N.J. 07033  
TELEPHONE: (908) 298-4000

DEAR CUSTOMER,  
EFFECTIVE THURSDAY, JANUARY 10, 2002 AT 05:00 PM EST, PRICES FOR THE  
FOLLOWING SCHERING PRODUCTS WERE INCREASED. ALL ORDERS  
RECEIVED AFTER 05:00 PM EST, THURSDAY, JANUARY 10, 2002 WILL BE  
BILLED AT THE NEW PRICES.

A CURRENT PRICE LIST WILL BE SENT TO YOUR BUYER SHORTLY.  
A PRICE PROTECTED ORDER WILL BE OFFERED IN MARCH.

| ACS PRODUCTS                 | NDC<br>0085 | NDP       | AWP       |
|------------------------------|-------------|-----------|-----------|
| INTEGRILIN 0.75MG/ML 10ML    | 1136-01     | \$ 162.50 | \$ 195.00 |
| INTEGRILIN 2MG/ML 10ML SOLUS | 1177-01     | \$ 52.00  | \$ 62.40  |
| INTEGRILIN 2MG/ML 10ML VIAL  | 1177-02     | \$ 433.31 | \$ 519.97 |

SINCERELY,

FRANK J. DILASCIA, RPM  
V.P., TRADE SALES & PHARM DEVELOPMENT

## **Exhibit 78**



12125 Moya Boulevard, Reno, Nevada 89506-2609 • Telephone 1 800 547-3869

November 18, 1997

Mr. Jacob Blatt  
Vice President, Generic Sales  
Merck-Medco Managed Care  
100 Summit Avenue  
Montvale, NJ 07645-1753

Via Telefax No. 201-782-7723

Dear Jacob:

As per our discussion today, Warrick pricing for Albuterol Solution for Inhalation 0.5%, 20 mL is as follows:

|                         | GRN/DCI Number | Unit Price | Warrick Price |
|-------------------------|----------------|------------|---------------|
| Albuterol Solution 20mL | 59930-1515-04  | \$14.99    | \$3.95        |

Sincerely,

A handwritten signature in cursive ink that appears to read "Harvey".

Harvey J. Weintraub

HJW:ar

SW0173547

Highly Confidential

SW0173547

## **Exhibit 79**

September 21, 1995

Mr. John Ziebell  
Pharmaceutical Buyer  
Walgreen Co.  
200 Wilmot Road  
Deerfield IL 60015

Dear John:

Effective Thursday, September 21, 1995, at 5:00 p.m., the AWP price of Albuterol Sulfate, USP Solution for Inhalation, 0.5%, 20 mL was increased 7.5%. AWP and Direct Pricing is now as follows:

| Product  | Pkg. Size | NDC 59930    | AWP     | Direct  |
|--|-----------|--------------|---------|---------|
| Albuterol Sulfate, USP<br>Solution for Inhalation 0.5% | 20 mL     | 59930-1515-4 | \$14.99 | \$ 9.00 |

Future purchases of Albuterol Solution 20 mL will be invoiced at the direct price, less an instant rebate, off invoice, of 23%. Your net invoice price will be \$6.93. Additionally, you will continue to receive your current rebate.

A price-protected order form, for up to your average monthly purchase of Albuterol Solution 20 mL, will be sent to you shortly.

Sincerely,

Al Graf  
National Sales Director

SPW013821  
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